

WILLIAMSBURG PLANNING COMMISSION MINUTES

Wednesday, August 16, 2006

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, August 16, 2006, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 North Boundary Street.

CALL TO ORDER and ATTENDANCE

Chairman Young called the meeting to order and welcomed new Planning Commission member Sean Driscoll, who is filling Charles Friend's unexpired term. Mr. Young also introduced new Zoning Administrator, Rodney Rhodes. Present in addition to Messrs. Young, Driscoll and Rhodes were Commissioners Pons, Kafes, Hertzler, and McBeth. Commissioner Rose was absent. Staff members present were Planning Director Nester, Deputy Planning Director Murphy, Assistant City Attorney Workman and Secretary Scott.

MINUTES

Mr. Pons moved that the minutes of the July 17 work session and July 19 regular meeting be approved. Mr. Hertzler seconded the motion which carried by roll call vote of 5-0. Mr. Driscoll abstained because he was not present at the meeting.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, McBeth, Young

Nay: None

Abstain: Driscoll

Absent: Rose

CONSENT AGENDA

Mr. Kafes asked that PCR #06-004: Howard Subdivision, 12 Cole Lane – 2 lots, be removed from the consent agenda to allow for discussion.

Remaining Consent Agenda item:

SPR #05-014: Health Evaluation Center, 322 North Henry Street - 23,750 square foot building.

Mrs. McBeth moved that the site plan be approved contingent upon:

1. Recordation of a subdivision plat vacating the interior lot lines prior to the issuance of any building permits for the project.
2. Provision of an easement to the City for the meter vault prior to the issuance of a certificate of occupancy for the building.

Mr. Pons seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, McBeth, Young, Driscoll
Nay: None
Absent: Rose

PUBLIC HEARINGS

PCR #06-017: Amendment of Chapter 21, Zoning, of the Williamsburg City Code, by amending Article II, Division 1, Sec. 21-29, Violation and penalty. It is proposed to increase the civil penalty for initial summons for violations of the zoning ordinance from \$100 to \$200 and for second and subsequent violations from \$150 to \$500, in accordance with changes to the Code of Virginia effective July 1, 2006. The Commission recommended approval of the amendment by a vote of 6-0.

Mr. Nester presented the zoning amendment which would bring the City's civil penalties in line with the recently amended Code of Virginia.

Chairman Young opened the public hearing.

There being no comment the public hearing was closed.

In response to Mr. Pons' request for some examples of violations, Mrs. Murphy said 75% of the violations are sign-related, with illegal or portable signage being cited. The remaining 25% is made up of violation of the definition of "family" (...three unrelated persons living together...) and parking on the grass. She noted that usually after the initial contact with the violator, which includes providing a copy of the appropriate section of the code, the violation is remedied so no summons is necessary. If the violation is not remedied with this initial contact, a formal violation notice is sent and if the situation is still not corrected within the stated period of time, a civil penalty is assessed. Because it is a civil penalty, court appearance is not required unless the violator appeals the stated violation.

Mr. Pons moved that the Commission recommend approval of the amendment.

Mr. Hertzler seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, McBeth, Young, Driscoll
Nay: None
Absent: Rose

PCR #06-019: Request of Roseland Property Incorporated to amend Chapter 21, Zoning, of the Williamsburg City Code, by revising Article III, Division 10.2. Economic Development District ED-2, to allow a maximum building height of 60 feet if buildings are set back 50 feet from Ironbound Road. Presently, the ED-2 height limit is 45 feet, with the ability to increase to 60 feet if set back at least 200 feet from Richmond Road, at least 200 feet from Ironbound Road, and at least 50 feet from Treyburn Drive. It is proposed to change the height of the two buildings closest to Ironbound Road from three stories to four stories, with an approximate height of 55 feet. A motion to recommend to City Council that this request be approved failed on a tie vote of 3-3.

Mr. Nester presented the request to amend the Zoning Ordinance to change the height restrictions in the ED-2 District. He said the proposed revisions in the site plan will not result in additional residential density for the High Street development – the number of apartment units will actually be reduced from 198 to 191 units. Because the building footprints are smaller, additional green space will be provided around the apartment buildings adjacent to Ironbound Road. The proposal is to allow the Ironbound Road buildings (which are 50 feet from Ironbound Road) to be up to 60 feet high, which is 15 feet higher than the ED-2 District now allows. To be eligible for this increased height, the buildings would need to be set back 50 feet from Ironbound Road, which is 35 feet more than the standard setback of 15 feet. The apartment buildings along Ironbound Road have always been set back 50 feet because of the 50 foot greenbelt that is designated along Ironbound Road. Mr. Nester concluded that the additional 35 feet of building setback required, compared with the standard 15 foot setback, will more than make up for the additional 15 feet of building height allowed.

In response to Commissioner Hertzler's questions regarding this proposed height increase compared to the College of William and Mary's new dormitory buildings on Jamestown Road, Mr. Nester said this development will be 11-12 feet higher than the College structures.

Mr. Nester noted that Dan Aston and Ben Yorker from Roseland Property Company are present to respond to questions or comments.

Chairman Young opened the public hearing.

Sharon Baker, also a Skipwith Farms resident, said she is president of the civic association and they are concerned with the height of the buildings on nearby Ironbound Road as well as the increase in traffic. She has been having meetings with Dan Clayton, City of Williamsburg Director of Public Works and Utilities for almost one year regarding traffic concerns and would like some base line numbers because they anticipate an increase in traffic with the High Street project. The Skipwith Farms civic association asks that the Commission deny this proposal.

Wanda Gonzales, a Skipwith Farms resident, said she is concerned with traffic also. She said that Roseland wants to decrease traffic within the development, but, inherent in this proposal is an increase in traffic on Ironbound Road. Mrs. Gonzales stated that she also believes the Ironbound Road exit will be used more often than the others.

Dan Aston, Roseland Property Company, said part of the reason for the requested changes is that they would like to maintain the pedestrian texture of the development, have more green space and a better flow of traffic through Treyburn Drive or Middle Street. Mr. Aston noted that they are entitled by right to build three and four story structures here. They believe the changes will enhance the nature of the site layout; it's not about density or traffic.

Mr. Pons noted that height is a concern; will the fourth floor be concealed in the roof line? He said that the new layout is more attractive but we need to actually see the proposed height. A balloon test would be appropriate to ascertain a visual relationship between the proposed height and Ironbound Road.

Mr. Hertzler observed that the submitted renderings don't show some important details, like air conditioning units on the roof. Mr. Young agreed, stating that we need reasonably accurate renderings, ones showing the mass of the buildings.

Both Mr. Hertzler and Mrs. McBeth felt the submitted drawings supplied adequate information for making their decision.

Nanci Bond, Brandywyne resident, said she is hopeful the development will be as beautiful as anticipated and she appreciates being within walking distance. However, she expressed disappointment in the City for being so willing to rewrite the codes. City residents look for some stability in the codes and why should the requests of developers be given precedence over residents? Mrs. Bond asked that, as representatives of all the people, the Commission ask who is asking for this density and height.

Bill Lancelotti, Skipwith resident, agreed with Mrs. Bond's comments and asked what precedent we would be establishing if this request is approved.

Helen O'Connell, 16 Bayberry Lane, asked what's happened to our "sense of place." We're becoming like every other place in the country---out of scale. The proposal would allow only 50 feet from the road. Mrs. O'Connell asked that the Commission stick to their guns and protect the City of Williamsburg residents.

Winston Sheppard, Skipwith resident, asked "Who benefits from this?"

There being no additional comment the public hearing was closed.

Mrs. McBeth said that lots of decisions have already been made, and that the issue before us is whether the four story buildings are in the middle or at the border. This is truly a swap for more green space.

Mr. Hertzler talked about density and scale. He said that "sense of place" is critical and an issue we need to deal with. He noted that there was so much effort, time and planning on the part of the giants who have gone before us, and said that we have a responsibility to continue that tradition. What do we do with all that the increase in population brings? Maybe we should build up rather than out, eliminating the tearing down of more forests.

Mr. Nester said that approval of this amendment would not obligate us in any way to increase height in lower density districts, since this proposal is addressing increasing the height in a mixed-use district. We had more of a suburban model in the 1998 Comprehensive Plan, but now mixed use and higher density is looked on more favorably.

Mr. Young said that it's not a question of density; it's a question of scale and height on Ironbound Road. Developments like this are why these restrictions were written.

Mr. Driscoll said that we need to look long and hard at three versus four stories. He said he feels for the Skipwith residents who expressed their concerns. He suggested that the buffer area could quickly be established.

Mr. Hertzler noted that most of the buildings around the development are big; it's not as though High Street will be bumping up against small residential areas. Mr. Nester said that nearby structures are William and Mary's Dillard Complex, James Blair School, Bristol Commons and Plumeri Ball Park.

Mr. Hertzler moved that the Commission recommend approval of the amendment.

Mrs. McBeth seconded the motion which failed by roll call vote of 3-3.

Recorded vote on the motion:

Aye: Hertzler, Kafes, McBeth
Nay: Pons, Young, Driscoll
Absent: Rose

PCR #06-020: Amendment of Chapter 21, Zoning, of the Williamsburg City Code, by revising Division 9. Tourist Business District B-2, Sec. 21-324(4.1) to allow a hotel or motel to lease rooms to employees of an individual business and/or employees managed by an employee brokerage firm with a special use permit. The Commission tabled the case by a vote of 6-0.

Commissioner Pons stated that although he is in the hotel business, this fact won't influence his decision-making process on this case.

Mr. Nester presented the request for an amendment and noted that this would permit another option to local hotels/motels.

Chairman Young opened the public hearing.

David Bryhn, owner of the Rochambeau Motel at 929 Capitol Landing Road, said there needs to be a place for these J-4 students who come to America to do jobs that evidently our young people don't want to do. He added that although there are a lot of local motels leasing rooms to foreign students, he was the only one that got "caught"; his motel currently houses about 60 of the young people.

There being no additional comment the public hearing was closed.

Mr. Kafes said he served on the City's Board of Zoning Appeals for about ten years and from that experience suggests particular language be included in the Zoning Ordinance Section 21-324(4.1). It should be clear that the needs and living units of transient guests versus extended-stay guests are different. He suggested the need for a committee to review such special use permit applications; we have an obligation to the people coming here. The language he would like to have included follows:

- c. The application for a special use permit shall include: a floor plan showing the location and dimensions of each bedroom (including adjacent bathrooms) to be rented, the location of exits and the location of smoke detectors, the location of laundry facilities available to guests, the location of cooking or kitchen facilities (whether in-room or separately located) including the types of cooking, refrigeration or dishwashing equipment (if any) available for guest use, the location of any recreational or lounge space available to employee use.
- d. Each bedroom shall have a connecting bathroom to include sink, commode, bathtub or shower; each such bathroom to be for the exclusive use of the bedroom in question.
- e. No more than two persons shall occupy a bedroom at the same time, unless otherwise reduced by the requirements of the Uniform Statewide Building Code and all other applicable laws and regulations.
- f. Prior to submission to the City Council, a recommendation shall be provided by the Planning Commission's site plan committee. In recommending a special use permit, the site plan committee may recommend such conditions regarding the facilities to be made available as it may deem necessary to provide an adequate, safe and healthful environment taking into account the reasonable needs of extended-stay guests.
- g. [Include language similar to Section 21-605(e)(17) providing for revocation of a special use permit where repeated violations occur.]

Mr. Pons said that extended-stay rentals aren't displacing normal occupancy (the City's occupancy rate is 47%) and an occupancy fee is paid. The "transient occupancy tax" is not paid because the students are here for longer than the 30 days or less to be considered transient. Mr. Pons also said that he didn't agree that there should be only two students to a room; these 'kids' are never there because they work all the time.

Mr. Kafes asked, and Mr. Nester noted, that the property maintenance code states the required area for the number of persons per bedroom.

Mr. Nester said that he was hesitant to have this case go forward without being able to check the applicable codes; there is just not enough information at this time.

Mr. Young moved that the Commission table the case.

Mr. Hertzler seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Hertzler, Kafes, McBeth, Pons, Young, Driscoll
Nay: None
Absent: Rose

PCR #06-021: Request of Motel Rochambeau, Inc. for a special use permit to lease rooms to employees of an individual business and/or employees managed by an employee brokerage firm at the Rochambeau Motel, 929 Capitol Landing Road. The Commission tabled the case by a vote of 6-0.

Mr. Nester presented the request for a special use permit to allow rooms in this 21-room motel to be rented to non-transient international workers. He said this is the first request to "pre-approve" a motel for renting rooms to seasonal employees. This use will be similar to the uses previously approved for the International Housing Village, 900 Capitol Landing Road and the Econo Lodge Motel at 442 Parkway Drive. No changes are proposed to the building or the site. The proposal has been reviewed by both the Police and Fire Departments and a condition requiring public safety orientation sessions has been added.

Chairman Young opened the public hearing.

David Bryhn, owner of the Motel Rochambeau, 929 Capitol Landing Road, noted the letter written to Mr. Nester and Mrs. Murphy listing the services offered at the motel. Also included in Commissioners' packets is a copy of the rules that are given to each of the international guests. Within the list it is noted that if the students do not comply with the rules they will be asked to vacate the premises immediately. There is a curfew of 11:00 p.m. for all guests.

Mr. Kafes expressed a number of concerns regarding the lack of appropriate facilities. He asked about the sharing of beds. Mr. Bryhn responded that there is no laundry on site, but there is one nearby. No recreation facilities, but the kids play soccer without the need for facilities. No lounge available for entertaining guests, but they can gather in the front office. For kitchen facilities there are two microwave ovens available. The linens are changed once a week and the rooms are inspected once a week. Only a couple of the students have cars, most have bikes. There is a bus stop nearby.

There being no additional comment the public hearing was closed.

Mr. Young moved that the Commission table the case.

Mr. Pons seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Hertzler, Kafes, McBeth, Pons, Young, Driscoll

Nay: None

Absent: Rose

PCR #06-022: Request of the City of Williamsburg for a special use permit for Redoubt Park, to be located on the east side of Quarterpath Road between the Colonial Williamsburg Foundation Nursery and Tutter's Neck Pond. The property is zoned RS-2 Single Family Dwelling District. It is proposed to create a new 21.4 acre passive park. The Commission approved the special use permit with conditions by a vote of 6-0.

Mr. Nester reviewed the memorandum dated August 1, 2006 in which it is noted that the property is located in an Archaeological Protection District (Civil War battle sites resource area), and an archaeological review is required as a part of the final site plan process. He said the proposed park will be a valuable addition to not only the City's Passive Parks, but to the City's preserved historic sites as well.

In response to Mr. Pons' query about parking and restrooms, Mr. Nester said there will be no restrooms and the site will be similar to College Landing Park off South Henry Street.

Mr. Hertzler moved that the special use permit be approved with the condition that the Planning Commission review the final site plan.

Mr. Pons seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Hertzler, Kafes, McBeth, Pons, Young, Driscoll

Nay: None

Absent: Rose

OPEN FORUM

Chairman Young opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

There being no comment from the audience the Open Forum was closed.

SITE PLANS AND SUBDIVISIONS

SPR #05-009: High Street Williamsburg, 1436 Richmond Road – revise apartment section adjacent to Ironbound Road, Treyburn Drive, Sterling Manor Drive and Middle Street. 198 apartments were originally approved; the revised plan calls for 191 apartments. The Commission approved the site plan with conditions by a vote of 6-0.

Mr. Nester presented the request for revisions to the apartment section of High Street Williamsburg which includes revision of the building footprints, reduction of the number of buildings from six to five, and an increase in the height of three buildings from three to four stories. He noted that City Council will make the final decision on the height issue since PCR #06-019, the amendment to increase a building height to 60 feet if the buildings are set back 50 feet from Ironbound Road, will be sent to Council with a recommendation for denial.

Mr. Hertzler said he had previously noted that live oaks don't work in Williamsburg and will not grow to the size shown in the landscape drawing. Mr. Aston responded that although the drawing doesn't indicate the change, shrubs have been substituted for the live oaks and that any planting that doesn't live will be replaced.

Mr. Nester noted that only the revisions in the building footprints and locations can be approved since the height of the three buildings will need to meet the Zoning Ordinance requirements.

Mrs. McBeth moved that the revised site plan for the apartment section of High Street, including landscape revisions for the greenbelt area, be approved with the following conditions:

1. Shared parking for the two apartment lots is approved as proposed, subject to the recordation of an easement approved as to form and content by the City Attorney to ensure the availability of the shared parking spaces. This easement shall be recorded prior to the issuance of a building permit for any of the apartment buildings.
2. Resolution of final engineering details to the satisfaction of City staff.

Mr. Hertzler seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Young, McBeth, Driscoll
Nay: None
Absent: Rose

PCR #06-004: Howard Subdivision, 12 Cole Lane – 2 lots. The Commission approved the subdivision of the lot by a vote of 6-0.

Mr. Nester reviewed the proposed subdivision and noted Planning Commission approval is required because the size of the two lots is greater than one acre.

Mr. Kafes stated that he had previously served on the Board of Zoning Appeals and the Board received a number of requests for variances for lots that would be unbuildable unless a variance was granted.

Mr. Nester responded that there is plenty of room on the lot and as long as the proposed house could meet setback requirements, it would be a buildable lot.

Mr. Pons moved that the subdivision of the lot be approved.

Mr. Hertzler seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Young, McBeth, Driscoll
Nay: None
Absent: Rose

NEW BUSINESS

Revised Comprehensive Plan Implementation Schedule

Mr. Nester reviewed the revised schedule for implementing the Comprehensive Plan and noted that the first work session originally scheduled for August 23 will be cancelled. In the revised schedule the first work session will be September 27 in the conference room on the third floor of the Municipal Building beginning at 4:00 p.m.

INFORMATION ITEMS

Report from City Council
Planning Department Monthly Report
Monthly Financial Statement

There being no further business the meeting adjourned at 6:20 p.m.

Jesse Young, Chairman
Williamsburg Planning Commission

PUBLIC HEARINGS SCHEDULED FOR SEPTEMBER 20, 2006

PCR #06-020: Amendment of Chapter 21, Zoning, of the Williamsburg City Code, by revising Division 9. Tourist Business District B-2, Sec. 21-324(4.1) to allow a hotel or motel to lease rooms to employees of an individual business and/or employees managed by an employee brokerage firm with a special use permit.

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